

DISTRICT OF UNITED STATES
WESTERN DISTRICT OF MASSACHUSETTS

CIVIL ACTION #

05-2006-
DISTRICT OF MASSACHUSETTS
FILED
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JOSEPH F. SCHEBEL JR.,
Plaintiff/Pro Se

vs.

JOHN MOCCIO,
individually and in his official capacity as patrolman
for the Agawam Police,

JOHN KUNASEK, JR.,
individually and in his official capacity as patrolman
for the Agawam Police,

RICHARD LIGHT, JR.,
individually and in his official capacity as Lieutenant
for the Agawam Police,

JAMES DONOVAN III,
individually and in his official capacity as Sergeant
for the Agawam Police,

SI, CF
to Cl

1
2 AGAWAM, CITY of INC.,
3 which is duly organized under the laws of the
4 Commonwealth of Massachusetts is sued herein
5 in its official capacity as a corporation
6 under the laws of the Commonwealth,
7

8 RICHARD COHEN,
9 individually and in his official capacity as Mayor of
10 Agawam, Massachusetts,
11

12 ROBERT CAMPBELL,
13 individually and in his official capacity as
14 Chief of Police of
15 Agawam, Massachusetts,
16 defendants,
17

18 COMPLAINT

19 AND

20 DEMAND FOR JURY TRIAL

21 ON COUNTS

22
23 INTRODUCTION

24
25 This action arose out of the intentional deprivation and
26 violations of Plaintiffs Guaranteed Constitutional rights
27 under the 4th, 5th and 14th amendments of the United

1 States Constitution, and violations of his guaranteed
 2 constitutional rights under Article VII, Article X, Article
 3 XII, Article XIV, Article XX and Article XXIX in the
 4 Massachusetts Constitution under PART THE FIRST
 5 *A Declaration of the Rights of the Inhabitants of the*
 6 *Commonwealth of Massachusetts.*

7
 8 Plaintiffs asserts that all Defendants violated Schebel's
 9 right while acting under the color of law.

10 11 JURISDICTION

12
 13 Jurisdiction of the court arises under 28 U.S.C. secs.1331,
 14 1337, 1343(a) and 1367(a); 42 U.S.C. secs. 1983 (civil
 15 action for deprivation of rights), 1985(3) (conspiracy to
 16 interfere with civil rights), 1986 (neglect to prevent),
 17 1988 (proceedings in vindication of civil rights); 18
 18 U.S.C. 1341; 18 U.S.C. 15111 (obstructing enforcement of
 19 state law: and; 18 U.S.C. 1961 (and statutes cited therein)
 20 through 1968(RICO).

21
 22 Jurisdiction is further arises out of Massachusetts Civil
 23 Rights Act under Massachusetts General Law, c. 12, § 11i.

24
 25 Jurisdiction of this court for the pendent claims is
 26 authorized by F.R.Civ.P. 18(a), and arises under the
 27 doctrine of pendent jurisdiction as set for in United Mine
 28 Workers B. Gibbs, 383 U.S. 715 (1966)

29 30 31 COMPLAINT AS FOLLOWS:

32 33 PARTIES

34
 35 1. Plaintiff, Joseph F. Schebel Jr. (hereinafter
 36 "Plaintiff" or "Schebel"), is a natural born free
 37 sovereign, American (United States) Citizen, a citizen of
 38 the commonwealth of Massachusetts, a freeman endowed by God
 39 with numerous unalienable rights to "life, liberty and the
 40 pursuit of happiness" which are rights specifically
 41 identified in the Declaration of Independence and secured
 42 by the United States Constitution and furthermore by the
 43 Constitution of the Commonwealth of Massachusetts.
 44 Plaintiff Schebel is domiciled at 71 Columbia Dr, Feeding
 45 Hills, in the former County of Hampden, Commonwealth of
 46 Massachusetts.

1 2. Defendant Officer John Moccio (hereinafter "Officer
2 Moccio" or "Moccio" or "Defendant(s)"), who is or was
3 employed as a police officer for the Agawam Police
4 Department, with its headquarters located at 681
5 Springfield Street, Feeding Hills, in the former County of
6 Hampden, Massachusetts, United States of America is sued in
7 her official and individual capacities at all times
8 relevant to this complaint.

9
10 3. Defendant Officer John Kunasek, Jr. (hereinafter
11 "Officer Kunasek" or "Kunasek" or "Defendant(s)"), who is
12 or was employed as a police officer for the Agawam Police
13 Department, with its headquarters located at 681
14 Springfield Street, Feeding Hills, in the former County of
15 Hampden, Massachusetts, United States of America is sued in
16 her official and individual capacities at all times
17 relevant to this complaint.

18
19 4. Defendant Richard Light (hereinafter "Lt. Light" or
20 Light" or "Defendant(s)"), who is a natural person, who is
21 or was employed as a lieutenant for the Agawam Police
22 Department, with its headquarters located at 681
23 Springfield Street, Feeding Hills, in the former County of
24 Hampden, Massachusetts, United States of America is sued in
25 his official and individual capacities at all times
26 relevant to this complaint.

27
28 5. Defendant James Donovan, III (hereinafter "Sgt.
29 Donovan or "Dononvan" or "Defendant(s)"), who is a natural
30 person, who is or was employed as a detective for the
31 Agawam Police Department, with its headquarters located at
32 681 Springfield Street, Feeding Hills, in the former County
33 of Hampden, Massachusetts, United States of America is sued
34 in his official and individual capacities at all times
35 relevant to this complaint.

36
37 6. Defendant City of Agawam Inc., (hereinafter "City" or
38 "Defendant(s)") is duly organized under the laws of the
39 Commonwealth of Massachusetts and is a municipality located
40 in the former County of Hampden, Massachusetts, United
41 States of America, herein is sued in its official capacity
42 at all times relevant to this complaint.

43
44 7. Defendant Mayor Richard Cohen (hereinafter "Mayor
45 Cohen" or "Cohen" or "Defendant(s)") who is a natural
46 person and the duly elected mayor of Agawam, Massachusetts,
47 with a principal place of business located at City Hall, 36

1 Main Street, in the Town of Agawam, the former County of
2 Hampden, Commonwealth of Massachusetts, United States of
3 America, is sued in his individual and official capacity at
4 all times relevant to this complaint.
5

6 8. Defendant Chief Robert Campbell (hereinafter "Chief
7 Campbell" or "Campbell" or "Defendant(s)") who is a natural
8 person, who is or was the duly appointed chief of police
9 for the City of Agawam, Massachusetts, with its
10 headquarters located at 681 Springfield Street, Feeding
11 Hills, in the former County of Hampden, Massachusetts,
12 United States of America is sued in his individual and
13 official capacities at all times relevant to this
14 complaint.
15

16 **FACTUAL BACKGROUND**
17

18 9. On March 3, 2002 Officer Moccio along with Officer
19 Kunasek entered Schebel property for the sole purpose to
20 arrest him.
21

22 10. As Moccio and Kunasek were entering Schebel's
23 property, Schebel repeatedly requested Moccio and Kunasek
24 to produce a warrant.
25

26 11. Although Moccio has acknowledge that Schebel was
27 requesting a warrant, Moccio and Kunasek ignored Schebel
28 request and continue their illegal search of Schebel and
29 items on Schebel property.
30

31 12. Defendants Moccio and Kunasek failed to produce a
32 warrant has never produced a warrant that would have given
33 them the statutory authority to enter Schebel property to
34 perform these acts.
35

36 13. While Schebel was being arrested by Officer Moccio,
37 Officer Kunasek was removing and seizing items from Schebel
38 property without a warrant to seize these items.
39

40 14. Schebel was then placed in handcuffs, and transported
41 to the Agawam Police Department against his will.
42

43 15. He was further finger printed and booked at the Agawam
44 Police Department headquarters by Light.
45

46 16. Defendant, Donovan, approved this arrest of Schebel.
47

17. On or about April 12, Schebel filed a motion to dismiss these charges as they committed in clear violation of Schebel United States and Massachusetts Constitutional rights.

18. The presiding judge agreed with Schebel and dismissed the case.

COUNT I:
VIOLATIONS OF 42 U.S.C. § 1983;
UNITED STATES CONSTITUTION;
4TH AMENDMENT;
PROBABLE CAUSE

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

Schebel asserts that all Defendants had no probable cause to arrest Schebel on his property without a warrant.

COUNT II:
MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11I;
UNITED STATES CONSTITUTION;
4TH AMENDMENT;
PROBABLE CAUSE

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

Schebel asserts that all Defendants had no probable cause to arrest Schebel on his property without a warrant.

COUNT III:
VIOLATIONS OF 42 U.S.C. § 1983:
UNITED STATES CONSTITUTION;
5TH AND 14TH AMENDMENTS;
DUE PROCESS

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

Schebel asserts that all Defendants failed to provide Schebel with his Due Process of the Law.

COUNT IV:
MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11I:
UNITED STATES CONSTITUTION;
5TH AND 14TH AMENDMENTS;
DUE PROCESS

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

Schebel asserts that all Defendants failed to provide Schebel with his Due Process of the Law.

COUNT V:
VIOLATION OF
MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:
PART THE FIRST
A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE
COMMONWEALTH OF MASSACHUSETTS
ARTICLE VII

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

Schebel asserts that all Defendants violated Schebel right to his protection safety, prosperity and happiness under the color of law.

COUNT VI:
VIOLATION OF
MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:
PART THE FIRST
A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE
COMMONWEALTH OF MASSACHUSETTS
ARTICLE X

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

Although Article X provides that each individual of society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws, these defendants violated and failed Schebel in protecting

him in his enjoyment of his life, liberty and property,
according to standing laws.

COUNT VII:

VIOLATION OF

MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:

PART THE FIRST

**A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE
COMMONWEALTH OF MASSACHUSETTS**

ARTICLE XII

Schebel repeats and realleges and incorporates by reference
the allegations in paragraph 1 through 18 above with the
same force and effects as if herein set forth.

All the Defendants by their concerted efforts deprived
Schebel of his life, liberty not by the law of the land as
guaranteed in Article XII of the Constitution of
Massachusetts.

COUNT VIII:

VIOLATION OF

MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:

PART THE FIRST

**A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE
COMMONWEALTH OF MASSACHUSETTS**

ARTICLE XX

Schebel repeats and realleges and incorporates by reference
the allegations in paragraph 1 through 18 above with the
same force and effects as if herein set forth.

The defendants failed to obey the law and did suspend
and/or failed to execute the laws of the United States
and/or the Commonwealth of Massachusetts as guaranteed in
Article XX under PART THE FIRST A Declaration of the Rights
of the Inhabitants of the Commonwealth of Massachusetts of
the Massachusetts Constitution towards Schebel

COUNT IX:

VIOLATION OF

MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:

PART THE FIRST

**A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE
COMMONWEALTH OF MASSACHUSETTS**

ARTICLE XXIX

1 Schebel repeats and realleges and incorporates by reference
 2 the allegations in paragraph 1 through 18 above with the
 3 same force and effects as if herein set forth.
 4

5 The defendants failed to provide Schebel with a impartial
 6 interpretation of the laws, and to the administration of
 7 justice as guaranteed in Article XXIX under PART THE FIRST
 8 *A Declaration of the Rights of the Inhabitants of the*
 9 *Commonwealth of Massachusetts* of the Massachusetts
 10 Constitution.
 11

12 **COUNT X:**
 13 **VIOLATIONS OF 42 U.S.C. § 1985(3);**
 14 **UNITED STATES CONSTITUTION;**
 15 **4TH, 5TH, 14TH AMENDEMDNTS;**
 16 **CONSPIRACY**
 17

18 Schebel repeats and realleges and incorporates by reference
 19 the allegations in paragraph 1 through 18 above with the
 20 same force and effects as if herein set forth.
 21

22 As a result of the concerted unlawful acts by the
 23 Defendants, they have maliciously conspired against Schebel
 24 to violate Schebel's know and constitutional rights
 25 guaranteed by the United States Constitution along with the
 26 Commonwealth of Massachusetts.
 27

28 **COUNT XI:**
 29 **VIOLATIONS OF M.G.L. c. 274 § 7 ¶ 3**
 30 **CONSPIRACY**
 31

32 Schebel repeats and realleges and incorporates by reference
 33 the allegations in paragraph 1 through 18 above with the
 34 same force and effects as if herein set forth.
 35

36 As a result of the concerted unlawful acts by the
 37 Defendants, they have maliciously conspired against Schebel
 38 to violate Schebel's know and constitutional rights
 39 guaranteed by the United States Constitution along with the
 40 Commonwealth of Massachusetts.
 41

42 **COUNT XII:**
 43 **VIOLATIONS OF 42 U.S.C. 1986,**
 44 **REFUSING OR NEGLECTING TO PROTECT AND PREVENT**
 45 **THE WRONGS CONSPIRED TO BE DONE**
 46

1 Schebel repeats and realleges and incorporates by reference
2 the allegations in paragraph 1 through 18 above with the
3 same force and effects as if herein set forth.
4

5 Defendants, City of Agawam, Cohen, Campbell and Donovan
6 have failed to protect and prevent Schebel for wrongs of
7 his constitutional rights.
8

9
10 **COUNT XIII:**
11 **MALICIOUS ABUSE OF PROCESS**

12 Schebel repeats and realleges and incorporates by reference
13 the allegations in paragraph 1 through 18 above with the
14 same force and effects as if herein set forth.
15

16 Schebel asserts that all Defendants abused the process that
17 has been established by the United States and Massachusetts
18 Constitution have caused Schebel emotional, mental and
19 financial harm.
20

21 **COUNT XIV:**
22 **BATTERY**
23

24 Schebel repeats and realleges and incorporates by reference
25 the allegations in paragraph 1 through 18 above with the
26 same force and effects as if herein set forth.
27

28 Defendant John Moccio committed a battery when he
29 intentionally, harmfully and offensively touch Schebel when
30 Handcuffing Schebel against his will.
31

32 **COUNT XV:**
33 **FALSE ARREST AND IMPRISONMENT**
34

35 Schebel repeats and realleges and incorporates by reference
36 the allegations in paragraph 1 through 18 above with the
37 same force and effects as if herein set forth.
38

39 Defendant Moccio and Kunasek intentionally, harmfully and
40 voluntarily falsely arrested and falsely imprisoned Schebel
41 by again his will.
42

43 **COUNT XVII:**
44 **FALSE ARREST AND IMPRISONMENT**
45

1 Schebel repeats and realleges and incorporates by reference
2 the allegations in paragraph 1 through 18 above with the
3 same force and effects as if herein set forth.

4
5 Defendant Moccio, Kunasek, Light and Donovan intentionally,
6 harmfully and voluntarily detained and confined Schebel
7 again his will.

8
9
10 **COUNT XVIII:**
11 **EMOTIONAL, MENTAL AND FINACIAL**
12 **HARM AND STRESS**

13 Schebel repeats and realleges and incorporates by reference
14 the allegations in paragraph 1 through 18 above with the
15 same force and effects as if herein set forth.

16
17 Schebel asserts that all Defendants have caused Schebel
18 emotional, mental and financial harm.

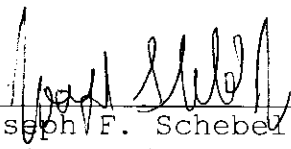
19
20 Defendant James Donovan III is liable under the doctrine of
21 *respondeat superior* on all counts.

22
23 THEREFORE, Schebel is demanding a jury trial as for there
24 is material facts that can only be decided by a jury.

25
26 WHEREFORE, Plaintiff demands judgment against defendants on
27 all counts and further seeks relief against all Defendants
28 jointly and severally, for actual, general, special,
29 compensatory damages in the amount of \$5,000,000.00
30 (Five Million and 00/100) per count and further demands
31 judgment against each of said Defendant, jointly and
32 severally, for punitive damages in the amount deemed at
33 trial to be just, fair and appropriate.

34
35
36 March 2, 2005

RESPECTIVELY SUBMITTED,

37
38
39
40 
41 Joseph F. Schebel Jr.
42 Plaintiff/Pro Se
43 71 Columbia Dr.
44 Feeding Hills, Mass. 01030
45 (413) 789-7515

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Joseph F. Scheibel SR

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

John Muccio, ET AL.

County of Residence of First Listed _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Joseph F. Scheibel
71 Columbia Blvd.
Feeding Hills, MA 01030

Attorneys (If Known)

Not Known

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/c. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Several U.S. Civil Right Violation Against The Plaintiff

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____

DOCKET NUMBER _____

DATE _____

SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

305871

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Joseph Schebel v John Moccio

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☒ NO ☐A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☐ Central Division ☐ Western Division ☒

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Joseph SchebelADDRESS 71 Columbia Dr Framingham MassTELEPHONE NO. 781-7515